IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 14327 of 2005(E)

OPMV.2219/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR

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PETITIONER:

V.V. YACOB, S/O. VARGHESE,
RESIDING AT VETTIKKATTU HOUSE,
PANGARAPPILLY P.O., CHELAKKARA,
THRISSUR DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SMT.M.R.VALSA
SRI.LEJU T.BALAN

RESPONDENTS:

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1. THE NEW INDIA ASSURANCE COMPANY
LIMITED, REPRESENTED BY ITS MANAGER,
ANUGRAHA BUILDING, WADAKANCHERRY ROAD,
KUNNAMKULAM, THRISSUR.

2. ABDUL RAHIMAN, S/O. KUNJUKUTTY,
RESIDING AT OLICHIYIL HOUSE,
P.O. CHELODE, NATTIYAMCHIRA VILLAGE,
CHELAKKARA, THRISSUR DISTRICT.

3. ANILKUMAR, S/O. GOPINATHAN NAIR,
RESIDING AT ANIL COTTAGE, PANGARAPPILLY P.O.,
CHELAKKARA, THRISSUR DISTRICT.

R1 BY ADV. K.K.M.SHERIFF

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.14327/05

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF AWARD IN OP(MV)2219/00 OF MACT. THRISSUR, DT.28.2.02

EXT.P2 – TRUE COPY OF I.A.1026/04 IN OP (MV)2219/2000 OF MACT, THRISSUR DT. 3.3.04.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.14327 OF 2005

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DATED THIS THE 2ND JULY, 2007

J U D G M E N T

The grievance of the petitioner who was the 1st respondent-owner in O.P.(MV)2219 of 2000 on the files of the M.A.C.T., Thrissur is that even as Ext.P2 application filed by him for setting aside Ext.P1 award which was passed against him ex parte was pending before the M.A.C.T., the Insurance Company-1st respondent herein is allowed by the M.A.C.T. to initiate proceedings for execution of the award.

2. Heard Sri.T.C.Suresh Menon, counsel for the petitioner and Sri.K.K.M.Sheriff, counsel for the 1st respondent-Insurance Company.

3. I notice that while admitting this Writ Petition, this Court granted stay of execution proceedings for one month and that order of stay is being extended from time to time. If, as a matter of fact, Ext.P2 application filed by the petitioner is pending before the Tribunal, I am of the view that there is justification for directing continuance of the stay order granted by this Court till such time as Ext.P2 is decided by the Tribunal.

The Writ Petition accordingly will stand disposed of issuing the following directions:-

If Ext.P2 application filed by the petitioner for setting aside the

ex parte award Ext.P1 is even now pending before the M.A.C.T., that Tribunal will take up Ext.P2, hear the petitioner and the Insurance Company and take a correct and just decision on Ext.P2 at the earliest and at any rate within one month of receiving copy of this judgment. In view of the above direction, there will be a further direction that the order of stay presently issued will continue for a period of two months from today.

(PIUS C.KURIAKOSE, JUDGE)

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